

**VALLEY TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

**AMENDMENT TO THE VALLEY TOWNSHIP ZONING
ORDINANCE FOR ADULT ENTERTAINMENT USES**

Ordinance No. **249**

ADOPTED: November 13, 2012

EFFECTIVE: December 7, 2012

SECTION :ADULT ENTERTAINMENT USES

It is the intent of Valley Township to adopt reasonable regulations for adult entertainment uses in the Township while ensuring that no adverse effects contribute to the blighting or downgrading of property values or cause adverse effects on the public health, safety, and welfare of persons and property within the Township.

The purpose of the ordinance is to protect children and adults from increased criminal activity, maintain the quality of retail trade and preserve the quality of life in the Township.

SECTION I: Definitions

1. Adult booth, arcade, motion picture or mini-motion picture theater or similar use that presents material which displays images emphasizing matter depicting or describing "specified sexual activities or specified anatomical areas" as defined. Such use shall be within an enclosed building or enclosed room within the building and shall not be viewed or displayed immediately upon entering said building or room.
2. Adult book store, adult novelty story or adult video store or similar use which offers for rent or sale material which displays images emphasizing matter depicting or describing "specified sexual activities" or "specified anatomical areas" as defined.
3. Adult cabaret, nightclub, theater or similar establishment which features live performances by

dancer (topless, go-go or exotic as examples) strippers or similar entertainers, where the performers feature live display of "specified anatomical areas" or describe "specified sexual activities" as defined.

4. Adult Personal service or physical culture business or similar uses including massage parlors, health spas, saunas or steam baths where the person providing the service is nude or partially nude (defined as having attire which reveals "specified anatomical areas" as defined.

5. Specified anatomical areas are areas of the body less than completely or opaquely covered, including human genitals, the pubic region, buttocks or female breast area below a point immediately above the top of the areola. This definition shall also include human male genitals in a discernibly turgid state even if completely and opaquely covered.

6. Specified sexual activities include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, sodomy, fellatio, fondling or other erotic touching of human genitals, the pubic region, buttocks or female breast.

SECTION II: Zoning and Operation of Adult Entertainment Venues

A. The operation or expansion of any and all adult entertainment uses, whether conducted as a separate business activity or in conjunction with another use, may be permitted as a Special Land Use in the Commercial District and only in conformance with the following restrictions;

1. No adult entertainment use shall be located within five hundred (500) feet of any other adult entertainment use.

2. No adult entertainment use shall be located within one thousand (1000) feet of any of the following uses:

- a. All Class "C" establishments, licensed by the Michigan Liquor Control Commission.
- b. Pool or billiard hall.
- c. Coin-operated amusement center or video arcade.
- d. Teenage disco or dance hall.
- e. Ice or roller skating rink.

- f. Pawn shop.
- g. Indoor or outdoor movie theater.
- h. Public park, playground, public library or public building.
- i. Church, place of worship, or other religious facility.
- j. Public or private school; preschool or day nursery
- k. Restaurant that does not serve alcohol.
- l. Indoor or outdoor public, private, or commercial recreational facility.
- m. Single-family dwelling used or designed for residential purposes.
- n. Uses like or similar to the above.

B. Distance shall be measured along the centerline of the street between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed use nearest to the contemplated location of the structure containing the adult entertainment use and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above

C. No adult entertainment use shall be located within one thousand (1000) feet of any area zoned residential (i.e., Rural Estates; Residential; Multi-Family, and Manufactured Home Park). Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.

D. All adult entertainment uses shall be contained in a free-standing building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.

E. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relation to specified sexual activities, specified acts of violence or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.

SECTION III: Repeal and Effective Date

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed.